

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SHELBY GAIL HEIFETZ,
Plaintiff,

v.

VALERIE J. MACKEN, et al.,
Defendants.

Case No. 19-cv-04081-VKD

**ORDER TO SHOW CAUSE RE
SETTLEMENT**

The Court having been informed that the parties have settled the dispute between them, all previously scheduled deadlines and appearances are VACATED.

On or before **May 1, 2020**, plaintiff Shelby Heifetz shall file a stipulated dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(ii) as to defendant Jose Camiro Hernandez. Rule 41(a)(1) permits a plaintiff to voluntarily dismiss a case without a court order (i) by notice if the defendant has not filed an answer or motion for summary judgment, or (ii) by stipulation signed by all parties who have appeared. Because Mr. Hernandez has filed an answer, Ms. Heifetz must file a stipulated dismissal pursuant to Rule 41(a)(1)(ii).

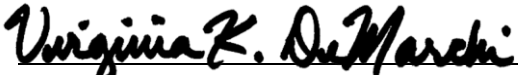
On or before **May 1, 2020**, Ms. Heifetz shall either file a voluntary dismissal of her claims against defendant Valerie J. Macken pursuant to Fed. R. Civ. P. 41(a)(1)(i), or a stipulated dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(ii). Because Ms. Macken has not responded to the complaint, Ms. Heifetz may file a notice of dismissal pursuant to Rule 41(a)(1)(i). Alternatively, because Ms. Macken has waived service of summons and appeared (Dkt. Nos. 22, 27), Ms. Heifetz may file a stipulated dismissal pursuant to Rule 41(a)(1)(ii).

If dismissals are not filed by the specified date, then the parties shall appear in Courtroom 2, Fifth Floor, 280 South First Street, San Jose, California on **May 12, 2020, 10:00 a.m.** and show

1 cause, if any, why the case should not be dismissed pursuant to Fed. R. Civ. P. 41(a).
2 Additionally, the parties shall file a statement in response to this Order to Show Cause no later
3 than **May 5, 2020** explaining why the dismissal have not been filed. If dismissals are filed as
4 ordered, the Order to Show Cause hearing will be automatically vacated and the parties need not
5 file a statement in response to this Order.

6 **IT IS SO ORDERED.**

7 Dated: March 2, 2020

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10 VIRGINIA K. DEMARCHI
11 United States Magistrate Judge
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